IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1150 OF 2005
WITH
CIVIL APPLICATION NO.1421 OF 2005

Sayed Abdul Wahed Abdul Waheed. ..Appellant.

V/s.

Bombay Municipal Corpn. & Ors. ..Respondents.

Mr.P.M.Khankar for appellant.

Mrs.Joglekar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 31, 2006.

P.C. :

1. Heard counsel for the parties.

2. I see no reason to depart from the conclusion reached by the court below in dismissing the Notice of Motion. The property in question has been sold in auction on 11th June, 2002 for consideration and as per the record, has been transferred in the name of the auction purchaser on 20th November, 2003. On this basis, the court below has rightly found that question of granting relief in terms of prayer clause(a) of the Motion does not arise. In prayer clause (a) of the Notice of Motion the relief claimed is of injunction from transferring the property in

the name of auction purchaser.

3. In so far as prayer clause (b) is concerned, even that relief cannot be granted because the title of the property has now been vested in third party.

4. It will be open to the appellant to take such steps as may be advised for seeking appropriate relief in the suit and seek necessary prayer in that behalf.

5. For the reasons already mentioned by the court below with which I am in agreement, no interference is warranted. Dismissed.